

REMARKS

This is a response to the Office Action of June 2, 2004.

The specification is amended to provide a revised priority claim according to 37 C.F.R.

§1.78(a)(2)(i).

Claims 1-4, 7-12 and 14-18 are amended to improve clarity. Claims 5, 6 and 13 are cancelled. Claims 19-25 are new. Entry of the enclosed claims is appropriate since the claims place the application in condition for allowance or at least in better condition for appeal.

Claim 1 is amended to clarify that the server selects the user profile of a particular user, e.g., by running a query based on information supplied by the user. See the specification, e.g., page 7, lines 22-29. Claim 2 clarifies that a menu may be displayed to the user for customizing the programming of the remote control device (page 3, lines 16-20, page 5, lines 3-7). Regarding claim 3, see the remote 102 in Fig. 1, which receives and transmits wireless signals. Regarding claim 4, see page 2, lines 25-27, and page 6, last paragraph. Regarding new claim 19, see page 3, lines 17-19. Regarding new claim 20, see page 3, lines 21-23. Regarding new claim 21, see page 3, lines 26-28. Regarding new claims 22 and 23, see page 2, lines 27-30, and page 3, lines 1-4. Regarding new claim 24, see page 2, lines 22-25.

Regarding paragraph 5 of the Office Action, the claims have been amended to avoid any uncertainty in meaning.

Claims 1-14, 16 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Allport (U.S. patent 6,104,334) in view of Goldstein (U.S. patent 5,410,326). Applicants respectfully traverse the rejections. Allport provides a portable Internet-enabled remote controller for consumer devices. The remote control 10 may connect to the Internet or other data

sources directly or by a home PC (col. 28, lines 51-52). An update system screen 65 allows the consumer to identify a new device or delete an old device from devices known to the remote control. To identify a new device, the IR command library for the device must be loaded into the memory of the remote control (col. 22, lines 10-25). However, Allport does not disclose or suggest the features of Applicants' invention.

For example, claim 1 sets forth that an Internet-connectable appliance connects to a server on the Internet in response to a user controlling a remote control device, where the server has an associated customer base comprising respective user profiles, each of the respective user profiles identifying consumer electronics equipment associated with a respective remote control device of a respective user. Allport simply provides no disclosure or suggestion of such a feature, and merely indicates that information including IR command libraries may be downloaded from the Internet or other data sources, but no further details are provided (col. 8, lines 46-51). In fact, Allport indicates that there can be uncertainty in identifying the proper IR command library, in which case different libraries must be loaded and tested repeatedly (col. 22, lines 25-32).

Applicants' invention avoids this problem by providing a server that has an associated customer base comprising respective user profiles, where each of the respective user profiles identify consumer electronics equipment associated with a respective remote control device of a respective user. Thus, the consumer electronics equipment is already identified and associated with a respective remote control device of a respective user through a respective user profile. In contrast, Allport provides no information for achieving this important feature.

The Examiner acknowledges that Allport fails to teach storing user information as claimed, but asserts that Goldstein cures the deficiencies of Allport. Goldstein is concerned with a programmable "universal" remote control device. The remote control can be programmed via a

telephone line. In this case, the consumer initiates a telephone call to a database that has infrared codes for operating appliances of different manufacturers. The consumer enters an equipment list for which codes are desired, and a data transfer is initiated. See col. 15, lines 21-68. However, there is no mention of the database storing the equipment list or a user profile as claimed. Regarding the subscribing mentioned at col. 16, lines 21-32, cited by the Examiner, this only refers to consumers subscribing to a service to receive IR codes, which indicates that the consumer pays a fee to receive the service. Again, this does not disclose or suggest that a customer base is provided with respective user profiles, each identifying consumer electronics equipment associated with a respective remote control device of a respective user.

Accordingly, claim 1 and the dependent claims thereof are patentable over the cited references. For example, regarding claim 2, col. 15, lines 5-26 of Allport, cited by the Examiner, only refers to a remote controller sending commands to a device after the remote controller has been programmed. Regarding the scrolling through sources referred to at col. 14, lines 17-20, cited by the Examiner, this refers only to sources of picture entertainment, such as a DVD device or a camera (col. 14, lines 20-23) and not to enabling a user to customize the programming of a remote control device as claimed. Accordingly, there is no disclosure or suggestion of providing a menu to a user for customizing the programming of a remote control device as claimed.

Regarding claim 4, Allport similarly fails to disclose or suggest enabling a user to notify a server through an Internet-connectable appliance of one or more items of consumer electronics equipment for which to download data representative of at least one control code. Again, regarding the reference to a "source" by Allport, this refers only to sources of picture entertainment (col. 14, lines 20-23), which is not relevant to the claimed features.

Claims 7-9 are similarly patentable over the cited references. For example, regarding claim 7, as discussed, the cited references fail to disclose or suggest maintaining a customer base comprising a plurality of user profiles that identify consumer electronics equipment as claimed.

Regarding claim 10, the cable box referred to by Allport is merely a device to be controlled by a remote controller (col. 8, lines 58-67), and not an Internet-connectable appliance having the functionality as claimed in claim 1, e.g., for downloading data representative of at least one control code for use with a particular user's consumer electronics equipment, and for programming a remote control device according to the downloaded data.

Claims 11, 12 and 14-16 are also patentable over the cited references based on the above arguments.

Regarding claim 17, this claim refers to an Internet-connectable appliance having a look-up table that maps a first control code, received from a remote control device, onto a second control code for control of an apparatus via the appliance. Regarding the Examiner's assertion that Allport discloses correlation of control codes to a specific apparatus to be controlled, the claimed feature is still not rendered obvious since it refers to mapping a first control code onto a second control code for control of an apparatus, not mapping a first control code to an apparatus.

Claims 15 and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al. (U.S. patent 6,578,142) in view of Allport (U.S. patent 6,104,334). Anderson et al. relate to automatically installing and configuring software on a computer. As acknowledged by the Examiner, Anderson et al. does not mention programming a remote control device for consumer electronics equipment. However, it is asserted that it would be obvious to combine the teachings of Anderson et al. and Allport. Applicants respectfully disagree with this assertion since the references are concerned with different technical problems. It is well settled that there

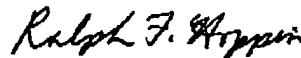
must be some teaching in the references themselves to make the proposed combination, and that it is impermissible to use the Applicants' specification as a template to assemble the prior art.

Regarding claim 18, this claim relates to a compilation of user profiles. For the reasons discussed above in connection with claim 1, the cited references do not disclose or suggest providing such a compilation.

Withdrawal of the rejections is therefore respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Ralph F. Hoppin
Registration No. 38,494

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343
TS:RFH/rjl